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9. Wills (§ 597 (1)*)—Construction—Devise—"Fee Simple."—A will devising all testator's real and personal estate to his wife for life, to be used and enjoyed by her as she should think proper, as fully as if it were hers in fee simple, and at her death to be equally divided among all testator's children then living, the descendants of any deceased child to take their parent's share, and expressing a will that no interest or estate should vest in any child or the descendants of any child until the death of his wife, gave the wife a fee simple in the entire property; "fee simple" being an estate of perpetuity conferring an unlimited power of alienation, and being the greatest possible estate in land.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Fee Simple. For other cases, see 13 Va.-W. Va. Enc. Dig. 826; 1 Va. Law Reg. 219; 3 Va. Law Reg. 65.]

Appeal from Chancery Court of Richmond.

Suit by O. Emmerson Smith and others against Martha E. Smith's executor and others. Decree for defendants dismissing the bill, and plaintiffs appeal. Affirmed.

Daniel Grinnan, Hill Carter, and A. B. Dickinson, all of Richmond, for appellants.

A. W. Patterson, of Richmond, *John Phelps and Christian, Gordon & Christian*, of Richmond, for appellees.

Ex parte MALLORY.

Jan. 24, 1918.

[94 S. E. 782.]

1. infants (§ 19*)—Custody—Repeal of Statute.—Acts 1910, c. 289, providing for the detention or commitment of minors under 17 for certain offenses, for placing them in suitable homes and institutions, and providing for probation, etc., was impliedly repealed by Acts 1914, c. 350, prescribing the procedure in such matters.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 461.]

2. Infants (§ 19*)—Custody of Children—Statute—Notice.—An order of the juvenile and domestic court of the city of Richmond, committing the custody and control of children charged only with being dependent and neglected children to the Children's Home Society upon complaint and information during their father's temporary absence, without any notice whatever to him, as required by Act 1914, c. 350, or any procedure dispensing with notice, was beyond the court's jurisdiction and void.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 461.]

Habeas corpus by one Mallory. Petition granted.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.